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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,681	01/31/2002	Jennifer Geske	10007033-1	2182

7590 11/20/2007  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P. O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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QIN, YIXING

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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11/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/062,681

1/31/02

Geske, Jennifer

10007033-1

EXAMINER

Qin, Yixing

ART UNIT	PAPER
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20071113

DATE MAILED:

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Commissioner for Patents

Hi,

Enclosed is a revised copy of the Advisory Action with the appropriate date. Thanks.

## **DETAILED ACTION**

### ***Response to Amendment***

In response to applicant's amendment received 9/12/07, all requested changes have been entered.

### ***Response to Arguments***

Applicant's arguments filed 9/28/07 have been fully considered but they are not persuasive. The main argument is in regards to the sequence of performing the statistical analysis of drawing commands in print data for determining a document type and the actual creation of the drawing commands themselves. The Applicant argues that the Buckley reference performs analysis of the document prior to any printer data or control commands are generated. Buckley discloses in column 4, lines 17-20 that each document can be addressed using a print description language. Thus, a document can be processed and defined using a PDL, which can read upon a print job containing drawing commands. The PDL is inherently a set of commands that identify how one would draw the various objects in page, so the statistical analysis of the PDL can be interpreted as processing a document, and then analyzing the drawing commands. Similarly, with the MRC technique, the document is processed by breaking it down to layers, and the files are statistically analyzed.

The Examiner is using a broad interpretation of the words "print job" in this rejection because a print job is interpreted as any file or set of files submitted to be printed. Thus, a print job is not confined to any particular format, and one can interpret a word document to be printed as a print job, just as one can interpret print ready data

as a print job. The arguments does not seem to equate the word print job with a source document. If the source document is a document that is requested to be printed (as in the Buckley reference), then it can reasonable be interpreted as a print job. The Examiner's take is that the print job can take a variety of forms, since, again, they are just various interpretations of the same information. Thus, one can consider any form of the document to be printed a print job as there is no set definition that a print job has to be in any particular format or even has to have gone through any processing – it just has to have been requested/submitted for printing.

In regards to the rejection of claims 20-21, 29-31 and 36-37, the Examiner just mistakenly grouped those claims with similar claims from another independent claim. This was not done intentionally at the time of the last issued Office Action and was only a means to reduce the wordiness of the previous document. These claims should be rejected under a 103 rejection, but the Examiner does not believe another non-final office action is appropriate since the rejection of the claims was due to a grouping error and not due to using an inappropriate prior art reference. The Examiner will correct these mistakes below and put these claims in the proper 103 rejection.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a

Art Unit: 2625

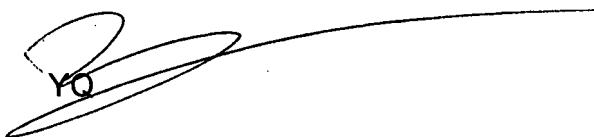
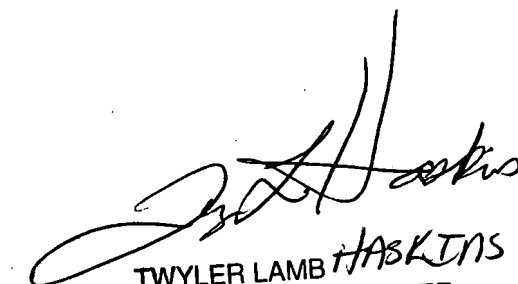
reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to be 'YQ' followed by a long horizontal stroke.A handwritten signature in black ink, appearing to be 'T. Lamb' with a stylized flourish.

TWYLER LAMB HASKINS  
SUPERVISORY PATENT EXAMINER